

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

STATE FARM FIRE AND CASUALTY  
COMPANY and STATE FARM MUTUAL  
AUTOMOBILE INSURANCE COMPANY

PLAINTIFFS

v.

CIVIL ACTION NO. 2:07cv188DCB-MTP

JIM HOOD, IN HIS OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF THE STATE OF  
MISSISSIPPI

DEFENDANT

COUNTY OF HINDS  
STATE OF MISSISSIPPI

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY  
(PURSUANT TO 28 U.S.C. § 1746)  
OF JAMES B. TUCKER**

James B. Tucker deposes and says:

1. My name is James B. Tucker. I am over twenty-one years of age and of sound mind. I am competent to testify about all of the matters set out in this Unsworn Declaration Under Penalty of Perjury.

2. I am one of the counsel at the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC ("Butler Snow") who is representing State Farm Fire and Casualty Company and State Farm Mutual Automobile Insurance Company (collectively "State Farm") in connection with the criminal investigation(s) launched by Attorney General Jim Hood ("Hood investigation").

3. The following statements are based upon my personal knowledge and/or upon my review of certain business records and associated records and the information they contain.

Those records are reports, records or data compilations, made at or near the time by, or from information transmitted by, persons with knowledge, and are kept in the normal course of my law firm's business. It is a regularly conducted business activity of my law firm to keep such business records. I have made a personal review of certain business records of my law firm.

4. The lawyers at Butler Snow who have assisted me in representing State Farm in the Hood investigation generally work under my supervision and control on that representation.

5. Much of the initial negotiations that led to the noninvestigation agreement referenced in and attached as exhibit "D" to State Farm's First Amended Complaint in this Action took place in Jackson, Mississippi.

6. On or about November 20, 2006 a meeting between certain of State Farm's counsel and Attorney General Hood took place in person in Attorney General Hood's Jackson office concerning the investigation by the State of Mississippi and possible measures that would resolve the issues.

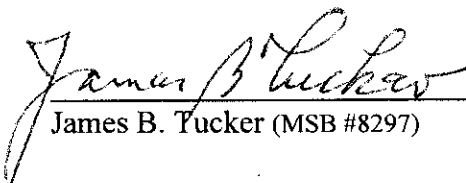
7. On information and belief, the final version of the noninvestigation agreement was prepared by Attorney General Hood and/or his staff, in Jackson, Mississippi. Butler Snow lawyers did not prepare the final version of the noninvestigation agreement.

8. The final version of the noninvestigation agreement was personally transmitted to State Farm's counsel in Jackson, Mississippi.

9. A receipt for the \$5,000,000.00 wire-transferred payment referenced in the noninvestigation agreement was hand delivered to the Attorney General's office in Jackson, Mississippi on or about January 24, 2007, by a Jackson office attorney of the Butler Snow Firm.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 29 day of October, 2007.

  
James B. Tucker (MSB #8297)

Jackson 2450002v.3